

REMARKS

Claims 1-4, 6-12, 17-54 are pending in this application, with claims 1-3 and 17-22 being independent claims. With this response Applicants cancel claims 24 and 50-52, and amend various of the other claims to bring the claims into compliance with standard practices or otherwise make the claims more readable. The amendments add no new matter, as the application as originally-filed supports each of the amendments. Support for the amendments may be found throughout the application, for example at paragraphs [0049] to [0063], [0067], [0086]-[00107], and [0117] to [0121]. In view of the amendments above and the remarks below, Applicants respectfully request reconsideration and favorable action in this case.

35 U.S.C. § 103 Rejections

The Office action rejects each of claims 1-4, 6-12, and 17-54 under 35 U.S.C. § 103(a) as obvious over Ashida et al. (U.S. Patent No. 5,003,532, hereinafter "Ashida") in view of either the knowledge of an ordinary skilled artisan or one or more of Todd (U.S. Patent No. 5,072,442, hereinafter "Todd"), Levinson et al. (U.S. Patent Application Publication No. 2002/0129379, hereinafter "Levinson"), or Kawasaki et al. (U.S. Patent No. 7,054,625, hereinafter "Kawasaki"). As amended, each of the pending claims recites a wireless microphone communication system comprising, in part, one or more controllers, each controller receiving from one or more receivers information indicative of the status of a wireless microphone, the information including at least one of the group consisting of RF level, VU level, and battery power, and each controller receiving a character string from an input device and sending the character string to other controllers.

As described in the paragraphs below, none of Ashida, Todd, Levinson, or Kawasaki, alone or in any combination, can render obvious any of the pending claims because each of Ashida, Todd, Levinson, and Kawasaki, alone or in any combination, fails to disclose all of the limitations recited by the claims and, in particular, none discloses: (1) one or more controllers, each controller receiving from one or more receivers ***information indicative of the status of the wireless microphone, the information including at least one of the group consisting of***

RF level, VU level, and battery power, or (2) a controller ***receiving a character string and sending the character string to other controllers***.

Ashida

Ashida is directed to a multi-point video conferencing system with a plurality of stations, each station having one or more cameras, a microphone, a speaker, one or more displays, and a console, all of which are connected to a conference control unit. The conference control unit controls the input/output of input data from the cameras and output data to the displays, and also controls the coding/decoding of image data and audio data and the multiplexing/demultiplexing of image and audio data. See Ashida at column 1, lines 10-35. The system disclosed in Ashida merely sends audio and video data from one camera and microphone to one or more displays and speakers. Ashida does not disclose or suggest communicating information indicative of any of an RF level, an audio level (i.e., a VU level), or battery power, much less communicating such information indicative of a status of a *wireless microphone*, as now recited by each of the claims. (Indeed, Ashida does not disclose *any* wireless components, much less a *wireless microphone*.)

Moreover, Ashida does not disclose a controller receiving a character string from a corresponding input device and sending the character string to other controllers through a LAN, as now recited by each of the claims. As described above, Ashida discloses communicating audio and video data between control units. However, receiving audio and video data is not the same as receiving a character string from an input device and sending the character string to other controllers. For at least these reasons, Ashida does not and cannot, alone or in combination with any of Todd, Levinson, or Kawasaki, disclose or suggest the limitations now recited by each of the pending claims.

Todd

Todd is directed to a switching apparatus within a data hub that enables multiple nodes to communicate with each other asynchronously and simultaneously despite operating at different clock rates. Unlike Ashida, which focuses on a teleconference system for telecommunicating between persons in different places, Todd focuses on implementing separate control units for signal processing within a

single electrical device. However, like Ashida, Todd fails to disclose or suggest information indicative of the status of a wireless microphone, the information including at least one of the group consisting of RF level, VU level, and battery power, and fails to disclose or suggest a controller receiving a character string from an input device and sending the character string to other controllers. Todd does not disclose or suggest any microphone, much less a wireless microphone, and therefore *cannot* suggest receiving status information about a microphone. Likewise, the information transmitted and received by the various components of the apparatus disclosed in Todd appear to be analog and digital data representative of video and audio information, as well as data related to the video and audio information. The information does not appear to be a character string, as recited by each of the pending independent claims, and is not received by a controller and sent to other controllers through a LAN. For at least these reasons, Todd does not and cannot, alone or in combination with any of Ashida, Levinson, or Kawasaki, disclose or suggest these limitations of the pending claims.

Levinson

Levinson is directed to a system and method for transmitting data on a return path of a cable television system. According to the description in Levinson, a receiver receives an optical data signal having two multiplexed digital signals thereon, and recovers from the optical signal a digital data stream and an associated first clock at a first clock rate. The data stream is stored in a memory device at the first clock rate while a control circuit reads, at a second clock rate, data from the memory device and generates a fullness signal that indicates whether the memory device is more full than a predefined threshold fullness level. See Levinson, Abstract. Paragraph [0075] of Levinson, on which the Examiner relies for the proposition that Levinson discloses, among other things, ***detecting an RF level***, is a more detailed description of the process, related to the memory device, described in the Abstract. That is, paragraph [0075] of Levinson describes monitoring a fullness level of an RF data ***memory device*** (see Levinson at paragraph [0075]), and not receiving information indicative of the status of a wireless microphone including an ***RF level***. As any ordinarily skilled artisan would understand, an RF level is ***a signal strength of a radio signal***, while a fullness level of a memory device relates to what

portion of the capacity of a memory device is currently used. Levinson clearly does not disclose or suggest receiving information indicative of an RF level, much less acting on any such information.

Moreover, Levinson does not disclose or suggest receiving information indicative of a VU level or battery power, and does not disclose or suggest a controller receiving a character string input from an input device, much less sending a received character string to other controllers, as recited by each of the pending claims. Thus, not only does Levinson fail to disclose or suggest the limitation for which the Examiner relies upon it, Levinson also does not disclose or suggest the other limitations now recited by each of the claims. For at least these reasons, Levinson does not and cannot, alone or in combination with any of Ashida, Todd, or Kawasaki, disclose or suggest these limitations of the pending claims.

Kawasaki

Kawasaki is directed to a wireless communication system, wireless microphone, and wireless microphone control method. In particular, Kawasaki discloses a method that makes it easy to operate the various signal channels, gains, and other conditions related to a wireless microphone system, without opening and closing an access panel in the microphone to operate switch elements to change signal channels to attain desired signal reproductivity. See Kawasaki at column 2, lines 19-26. Like Ashida, Todd, and Levinson, Kawasaki fails to disclose a controller receiving information indicative of status of a wireless microphone including at least one of RF level, VU level, and battery power, and also fails to disclose a controller receiving character string information input or sending the character string to other controllers through a LAN, as now recited by each of the pending claims. For at least this reason, Levinson does not and cannot, alone or in combination with any of Ashida, Todd, or Levinson, disclose or suggest these limitations of the pending claims.

Additionally, with this response, Applicants amend claim 23 to recite that the controller receives an indication of the current time from the time measuring means. The “measuring means” disclosed in Kawasaki measures an elapsed time (see Kawasaki at column 4, lines 58-59), and does not maintain the current time. Further,

Kawasaki provides no motivation or suggestion to modify the measuring means disclosed in Kawasaki to maintain the current time or to provide an indication of the current time. Thus, while Applicants submit that claim 23 is novel and non-obvious as a result of the current amendments to the independent claims, claim 23, as amended, is novel and non-obvious over any combination of Ashida, Todd, Levinson, and Kawasaki.

Examiner's Official Notice

As described above, Applicants believe that each of the claims is presently in allowable form *regardless* of any facts “officially noticed.” Nevertheless, Applicants respectfully traverse the “official notice” taken by the Examiner throughout the Office action, particularly where such “official notice” is unsupported by citation to some reference work recognized as standard in the pertinent art. Applicants point out that, where official notice is taken of a fact, unsupported by documentary evidence, the MPEP requires that the technical line of reasoning underlying such notice must be **clear and unmistakable**. See MPEP § 2144.03.

In the pending Office action, the Examiner takes official notice that *both* the concepts *and* advantages of creating and/or displaying an alarm message are “well known in the art,” but provides neither documentary evidence *nor* a technical line of reasoning for taking official notice of either of these alleged facts. See Office action at page 3. Applicants respectfully submit (1) that it is not “well known in the art,” much less **clear and unmistakable** to create and/or display alarm messages related to the status of a wireless microphone (which wireless microphone is not, in any event, disclosed or suggested in Ashida) or any microphone; and (2) that there does not exist **clear and unmistakable** motivation to modify the system disclosed in Ashida to include alarms. To the contrary, Applicants perceive no benefit from modifying the system disclosed in Ashida to generate alarms related to RF level, VU level, or battery level for the *wired* microphones used in that system. Therefore, Applicants request that the Examiner provide documentary evidence for each of these officially noticed facts if these rejections are maintained. See MPEP § 2144.03.

Applicants likewise traverse the “official notice,” again taken with neither documentary evidence nor a technical line of reasoning, that using color identity is well known in the art. See Office action at page 4. It follows from the remarks above that, if creating and/or displaying an alarm message related to the status of a wireless microphone is not **clearly and unmistakably** “well known in the art,” it cannot be clearly and unmistakably “well known in the art” to distinguish such alarms by color. Therefore, Applicants request that the Examiner provide documentary evidence if this rejection is maintained. See MPEP § 2144.03.

Moreover, while the Examiner takes official notice that it is “well known in the art” to use color to distinguish between alarms, the Examiner cites no motivation for modifying the system disclosed in Ashida to do so. As such, the Office action fails to establish a *prima facie* case of obviousness with regard to any claim for which the Examiner relied upon the “official notice” to establish obviousness.

Further still, Applicants traverse the “official notice,” taken with neither documentary evidence *nor* a technical line of reasoning, that *both* the concepts *and* advantages of providing a wireless microphone are well known in the art. See Office action at page 5. Applicants respectfully submit (1) that it is not “well known in the art,” much less **clearly and unmistakably** known in the art, to provide a wireless microphone; and (2) that there does not exist **clear and unmistakable** motivation to modify the system disclosed in Ashida to include a wireless microphone. To the contrary, Applicants perceive no benefit from modifying the system disclosed in Ashida to use a wireless microphone, because the remainder of the components used in the system disclosed in Ashida would continue to require wires, thus negating any benefit related to portability, efficiency, or cost. Therefore, Applicants request that the Examiner provide documentary evidence for each of these officially noticed facts if this rejection is maintained. See MPEP § 2144.03.

CONCLUSION

Accordingly, all remaining claims are in condition for allowance for the reasons provided above. Although Applicants believe that no additional fees or petitions are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun, LLP under Order No. 19036/41594. Should the Examiner wish to discuss any of the foregoing comments or any claim amendments deemed needed to result in allowance, Applicants kindly request the Examiner to contact the undersigned by telephone at the number given below.

Respectfully submitted,

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By:


Jeremy D. Protas

Registration No.: 61,681

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicants